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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,778	03/14/2002	James P. Allen	AUS920010985US1	4839

7590

05/04/2005

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EXAMINER
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AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,778

Applicant(s)

ALLEN ET AL.

Examiner

Benjamin A. Ailes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-27 have been examined.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 19-27 are directed towards a computer program, *per se*, because they are being claimed without embodiment on a computer readable medium for execution by a computer processor, and are considered to be directed towards "functional descriptive material", which by itself is not statutory subject matter.

Examiner's Note: these claims can be amended to become statutory under 35 USC 101, for one example, by modifying the claims to reflect embodiment of the claimed computer program on a computer readable medium for execution to accomplish the computer program method steps, i.e., an article of manufacture.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 9-14, and 18-23, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott (U.S. 6,195,706), hereinafter referred to as Scott.

7. Regarding claims 1, 10, and 19, Scott discloses the method comprising:  
Receiving a session message from one of the at least one initiator node or the target node (col. 5, lines 8-20); and

Responsive to the received session message:

Replacing the network target address associated with the target node with a different network target address (col. 5, lines 27-34); and

Issuing a target rediscovery message to the at least one initiator node, wherein the target rediscovery message directs the at least one initiator node to rediscover available target nodes in accordance with associated network target addresses (col. 5, lines 39-42, col. 7, lines 40-48, and col. 8, lines 3-24).

8. Regarding claims 2, 11, and 20, in accordance with claims 1, 10, and 19, respectively, Scott discloses the method further comprising, responsive to the received session message, interrupting the concurrent sessions (col. 7, lines 13-20).

9. Regarding claims 3, 12, and 21, in accordance with claims 2, 11, and 20, respectively, Scott discloses the method wherein said interrupting the concurrent sessions is performed in response to issuing the rediscovery message to the target node (col. 7, lines 13-20).

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10. Regarding claims 4, 13, and 22, in accordance with claims 1, 10, and 19, respectively, Scott discloses the method wherein said replacing the associated network target address comprises:

issuing an address change instruction to a target network adapter at which the concurrent sessions are connected at the associated network target address, wherein said address change instruction directs the target network adapter to bind itself to the different network target address (col. 7, lines 34-39); and

associating the target node with the replacement network target address within the server (col. 8, lines 3-24).

11. Regarding claims 5, 14, and 23, in accordance with claims 1, 10, and 19, respectively, Scott discloses wherein the received session message is a rediscovery request (col. 8, lines 3-24).

12. Regarding claim 9, 18, and 27, Scott discloses the method wherein the target rediscovery message includes directing each of the at least one initiator node to discover target devices available to itself as determined by the association of the different network target address with the target node within the server (col. 8, lines 3-24).

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Mellquist (U.S. 6,115,545).

15. Regarding claims 6, 15, and 24, Scott discloses the method of receiving a session message (col. 5, lines 8-20), but is silent on the use of the Simple Network Management Protocol (SNMP). However, in related art, Mellquist discloses a method of assigning addresses to network devices in an internet protocol environment by using an alternative method of utilizing SNMP (col. 3, lines 30-41). One of ordinary skill in the art at the time of the applicant's invention would have recognized the use of SNMP when sending and receiving messages as utilized by Mellquist and would find it to their advantage of utilizing SNMP in similar fashion in combination with Scott. One of ordinary skill in the art would have been motivated to make such combination in order to efficiently obtain unused network addresses (see Mellquist, col. 3, lines 36-40).

16. Claims 7, 8, 16, 17, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Leighton et al. (U.S. 6,108,703), hereinafter referred to as Leighton.

17. Regarding claim 7, 8, 16, 17, 25, and 26, Scott disclosed the invention as mentioned above including replacing the original network address with a replacement address (col. 8, lines 3-24) and issuing target rediscovery requests (col. 8, lines 3-24), but is silent on the use of session metrics and determining if the metric is within predetermined thresholds, the threshold being a quality of service metric being one of average transmission rate, maximum transmission rate, minimum transmission rate, transmission error rate, and network node delay . However in related art, Leighton

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discloses specifying thresholds for a server when administering to a client, wherein when the threshold is exceeded, the server may redirect the client (see Leighton, col. 13, lines 12-25). One of ordinary skill in the art at the of the applicant's invention would have found it to their advantage to implement the method of redirecting a client when a threshold is exceeded as disclosed by Leighton in combination with the target rediscovery and network address reassignment method disclosed by Scott. One of ordinary skill in the art would have been motivated to make such a combination in order to keep the amount of traffic balanced and keep certain clients within certain specified limits (see Leighton, col. 13, lines 12-15).

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zhao (U.S. 6,081,840) discloses a two-level content distribution system.

Peters (U.S. 6,601,093) discloses address resolution in ad-hoc networking.

Wu (U.S. 5,185,860) discloses automatic discovery of network elements.

Odenwald (U.S. 6,671,727) discloses methodology for providing persistent target identification in a fibre channel environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes, whose telephone number is (571)272-3899. The examiner can normally be reached on Monday-Friday (7:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached at (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703)872-3906.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [benjamin.ailles@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Benjamin Ailes  
Patent Examiner  
Art Unit 2142

  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**